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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/667,502	09/23/2003	Atsushi Iisaka	2003_1315A	1911
513 7590 01/09/2007 WENDEROTH, LIND & PONACK, L.L.P. 2033 K STREET N. W. SUITE 800 WASHINGTON, DC 20006-1021			EXAMINER MOON, SEOKYUN	
			ART UNIT 2629	PAPER NUMBER
SHORTENED STATUTORY PERIOD OF RESPONSE		MAIL DATE	DELIVERY MODE	
3 MONTHS		01/09/2007	PAPER	

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No. 10/667,502	Applicant(s) IISAKA ET AL.	
	Examiner Seokyun Moon	Art Unit 2629	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 December 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 3-14 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 3-14 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 23 September 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

1. The Applicants' arguments with respect to claims 3-14 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

3. **Claims 3-14** are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claims contain subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

As to **claims 3 and 13**, the subject matter included in the claim, "*said third fixed magnet portion has a pole opposite to that of said first and second fixed magnet portions directed toward the center of said ball portion*" renders the claims to fail to comply with the enablement requirement since such claim limitation is not consistent with the aspect of the invention disclosed in the specification. Examiner acknowledges that the above claim limitation is disclosed in the specification of the Application [page 15 lines 18-20]. However, Examiner respectfully submits that the operation method of the device disclosed in the specification of the Application [page 18 lines 6-10] cannot be accomplished with such aspect of the invention disclosed in the claim.

According to the claim limitation, the third fixed magnet portion ("35") [fig. 3] has a pole opposite to that of the first ("31" and "33") and second fixed magnet portions ("32" and "34") (herein after the poles for the first and second fixed magnet portions are referred to as "pole N" and the pole for the third fixed magnet portion is referred to as "pole S" for further explanation). Also, according to the specification [page 16 line 18 – page 17 line 3], in a normal state, i.e., in a state in which the user is not performing any operation, both ends of two bar members present on the XY planes are strongly attracted to the first and third fixed magnetic members 31 and 33 and the second and fourth fixed magnetic members 32 and 34, and furthermore one end ("28B") of a bar member other than the above two bar members present on the Z axis is strongly attracted to the fifth fixed magnetic member 35. Since each of the three bar members are attracted to each of the three fixed magnet portions, the bar members 26 and 27 have an opposite pole to the that of the first and second fixed magnet portion, and thus the bar member 26 and 27 have "pole S", while the bar member presented on the Z axis have an opposite pole to the that of the third fixed magnet portion, and thus the bar member 28 has "pole N". Now, the specification [page 18 lines 6-10] discloses that as the ball 21 rotates, the force with which both ends 28A and 28B of the bar member 28 are attracted to the first and third fixed magnetic members 31 and 33 increases. However, Examiner respectfully submits that, since the first and third fixed magnetic members 31 and 33 have a pole which is same as that of the both ends 28A and 28B of the bar member 28, a repulsion force is exerted between the bar member 28 and the first and third fixed magnetic members 31 and 33, and thus the operation method disclosed in the specification [page 18 lines 6-10] cannot be accomplished.

Appropriate explanation or correction is required.

Conclusion

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Seokyun Moon whose telephone number is (571) 272-5552. The examiner can normally be reached on Mon - Fri (8:30 a.m. - 5:00 p.m.).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Amr Awad can be reached on (571) 272-7764. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

January 3, 2007

S.M.

AMR A. AWAD
SUPERVISORY PATENT EXAMINER

